

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, SEPTEMBER 4, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:32 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz moved to approve the August 21st meeting minutes, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Paul Primavera, discussed University Station, Section II, which is going in behind the McDonalds and Arby's on Grantline Road. He explained the development and stated that Clark Dietz is in the process of giving them a report to see which way they should run the sewer lines. He asked if they could go ahead and approve this contingent upon a positive report from Clark Dietz in order to get their building permits.

Mr. Kochert moved to approve, Mr. Utz second, all voted in favor.

BIDS:

Robert E. Lee Force main Project, estimate \$940,000.00:

MAC Construction	\$837,329.00
Kelsey Construction	\$893,635.50
TSI Paving	\$587,963.56
Team Contracting	\$789,133.00
Pace Contracting	\$702,205.00

Mr. Christmas stated that they would take these under advisement and review that the lowest bid is in order and they will make a recommendation at the next meeting on September 18, 2007.

Mr. Christmas opened bids for the Lewis Street Project

Pipe Burst:

MAC Construction	\$279,000.00
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Open Cut:

MAC Construction	\$261,000.00
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Mayor Garner stated that he would like to take those under advisement and take a look at a second bid potential for Lewis Street because it is much higher than what they had anticipated

Mr. Christmas recommended the Basin 35 project be done by the low bidder of Team Contracting for \$644,958.00. Said letter of recommendation is on file with the City Clerk's office.

Mr. Kochert moved to approve Team Contracting's bid of \$644,958.00 for the Basin 35 project, Mr. Utz second, all voted in favor

Mr. Christmas presented the Agreement to Proceed for signatures. He informed everyone that there would be a pre-construction meeting on September 11 at the sewer plant and the construction would begin on September 18.

Mr. Kochert moved to approve the Agreement to Proceed, Mr. Utz second, all voted in favor.

COMMUNICATIONS - CITY OFFICIALS

SEWER ADJUSTMENTS:

NEW BUSINESS:

Item #1 - Tina Haley re: sewer credits for Prosser

Mr. Zurschmiede stated that Prosser came to the Plan Commission meeting and stated that they had already gotten their sewer credits, and he asked them when they had gotten these credits and it was explained to him that they had talked with Ms. Haley. He stated that they told them that this does not necessarily mean they have the credits.

There was a lengthy discussion regarding the Prosser Project for the building trades department and it was decided that a representative for Prosser should come before the board.

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Paul Elling presented the board with a Water billing Summary showing why they believe the flow is low and he presented Comparison of 2002 per Design Flow Criteria versus Existing Wastewater Treatment Plant Flows and a Comparison of Future Design Flow versus Existing Wastewater Treatment Plant Flow comparing the estimated flow rate for 2007 to the estimated flow rate of 2030 which shows that the plant will still be in capacity if the population growth rate stays as projected.

Mr. Utz asked about the significant increased daily inflow amount.

Mr. Elling stated that he can't account for that right now as to why it changed but they came up with the number by looking at the average flows. He stated he would ask Steve or Hans to see if they might now a reason why the difference was so significant.

Mr. Utz asked about the average use per customer.

Mr. Elling stated that there were 14,000 customers for IAWC and 15,900 occupied residents from the census and he wondered how there was such a difference but stated that there could be some discrepancies in the census information.

Mr. Elling stated that they would soon be providing Clark Dietz with uniform flow rates for them to finish the swim model, but he has several different usage rates in the different basins and the team is doing capacity certifications based on actual planned development scenarios but he is trying to do a uniform approach for the whole area unless they suggest otherwise.

Mr. Fifer stated that the the Lafollette line will end up with pods of development on force main extension and have a lot of acreage that isn't going to connect to the system at all but he thinks one per acre is probably appropriate but they are going to have pods of development and where those developments are that will connect by force main. They will get 3 dwelling units per acre and it would be very difficult to get more than that.

Mr. Utz stated that it is very comparable to Basin 35-40.

Mr. Elling stated that he has talked with Hans about the capacity of Basin 33, 35, 25 and 14. He stated that the Grantline lift station is close to being at its capacity and he would suggest that the University Station go through Basin 25

Item #2 - Clark Dietz re: Project Update

Mayor Garner asked Mr. Christmas to discuss Basin 35, Phase II, because Mr. Winterheimer is here again for Autumn View who is willing to pay all his tap fees up front in order to get the line finished so he can start building and asked how much would be needed to extend Phase II

There was a lengthy discussion regarding the Basin 35, phase II project and the negotiations with the two developers who have projects that are being held up waiting for phase II and III being completed.

Mr. Utz stated that he was told by Mr. McCormick that there is not enough money in EDIT to pay the August payment.

Mayor Garner explained that this problem is temporary because of the property tax bills not going out until last month.

Mr. Fifer stated that this should not be a hindrance to them approving the project because this will be corrected and at the end of the day the money will be there. He stated that as a utility they can borrow on a short term basis until they get the distribution and then pay that amount off.

Mr. Utz moved to award the Basin 35 II & III engineering proposal to Clark Deitz, Mr. Kochert second, all voted in favor.

Mr. Christmas stated that in regards to splitting these projects they could do that easily but because of needing to have separate bidding and additional meetings there would probably be an additional \$6,000 due on this project.

Mr. Fifer asked for him to inform them when they could be ready to go with this project.

Mr. Christmas stated that he anticipated that it would take about 6 months to get the permits and that they could open bids at the beginning of April.

Mr. Fifer stated that he would like him to convey to his people that they want to start this project as soon as Phase I is finished.

Mr. Utz stated that Hans was showing that construction could start on Phase II & III in early March.

Mr. Christmas stated that Basin 35, Phase I, should be completed in March.

Mr. Fifer stated that because of the financial situation that they are in he would like for Mr. Christmas to convey to his people that as soon as the work is completed on Phase I they should be ready to move right into Phase II and III

Mr. Taylor stated that at some point in time Mr. Winterheimer will need to go before the City to get projects approved and he will need some type of letter assuring them that they will have the credits needed.

Mr. Fifer stated that they can get them this letter and they should go ahead and get their plans in as soon as he can but he doesn't see any problem.

Mayor Garner asked Paul Elling if he had talked with someone from CSX.

Mr. Elling stated that he had not.

Mayor Garner stated that a representative from CSX informed him that he has talked with Mr. Elling several times. He stated that they have been out working on the 15th Street project and have informed him that it will be a \$1.2M project.

Mr. Elling stated that he would get the name and number of the gentleman from him after the meeting to call him.

Mayor Garner asked him to get information together to send to CSX to show what the utility will be doing.

Mr. Fifer stated that they should also get them a copy of the 1872 Ordinance that shows that they are operating in a right-of-way so that they can establish that they have the right to ensure that nothing is going to be damaged just like they do with any other right-of-way.

Mr. Christmas reported on the Force Main project and stated that he will contact Mr. McCool. He stated that they have already taken bids for the project and the project has a time restraint for it and they are pushing the deadlines for it and they need to move forward on it as soon as possible.

Mr. Fifer stated that if it goes through an easement on his property he isn't sure if there is any other alternative.

Mayor Garner explained that Mr. McCool is in the process of purchasing all of the lots along Poplar Street and he eventually wants to vacate Poplar Street and have it turned over to him so that he can have the land that he wants to do something with in the future.

Mr. Fifer stated that they just need to see if they can move it to the rear of his property on one side or the other or any other reasonable alternative and see if it is okay with him.

Mr. Christmas went over the project schedule again. He informed them that MAC should be out working on the REL lift station by the end of the month and everything is moving forward they just haven't had the official notice to proceed until he saw the force main bids. He stated that he will revise the project schedule for the next meeting. He stated that he has also gone over some costs with Mr. Utz and he has prepared a cost breakdown for the board. He stated that the only difference is that Vectren is going to have to extend the power line 1000 feet to the REL Lift station and they are going to require a "deposit" of \$17,500 prior to putting in the new gas line. The gas line is for the back-up system. He stated that they will require a letter stating that they can go ahead with the work and that they agreed to pay the "deposit".

Mr. Fifer stated that the board needs to make a motion authorizing him to prepare that letter and claim for the work, but because of the re-assessment they would like to pay the \$17,500 after the first of the year.

Mr. Christmas then presented two aerial views of the Basin 18 route. He stated that they did not run this line along the same route as the existing line so that they could avoid running through streams and trees, but they will need to obtain some easements.

Mayor Garner stated that they take the line through Binford Park and have to go through the existing shelter that the Parks Depart is planning on tearing down anyway.

Mr. Fifer stated that if they are going to take the line down Player Place they need to resurface the whole street rather than just the trench.

Mr. Kochert stated his concerns of the sinking of the trench even if it is completely resurfaced.

There was a lengthy discussion regarding the resurfacing of the street and the potential settling and how to resurface without possible sink holes.

Mr. Christmas continued to explain the route for the Basin 18 line. He stated that he wanted to get this to them so that they could go over it and let him know if they need to make any changes. He stated that his cost estimate for this route comes to \$1.1M but this does not count the full resurfacing and the purchase of the easements. He estimated that would make the cost between \$1.2M and \$1.3M.

Mr. Utz asked that he send an email to the members if there are any problems with the TSI bid.

Item #3 - Rick Scifers r: Tort Claim

EMC REPORT:

Mr. Sartell reported that they received three quotes for the S. Audubon project.

Cornell Harbison	\$47,560.00
Team Contracting	\$83,420.00
MAC Construction	\$71,000.00

Mr. Sartell recommended Cornell Harbison for \$47,560.00 based on the reports they received.

Mr. Utz made a motion to approve the bid of Cornell Harbison for \$47,560, Mr. Kochert second, all voted in favor.

Mr. Sartell reported that they have found a problem on Ekin and 11th where there are problem with brick manholes and the price includes the price to replace two brick manholes and 13 feet of sanitary lines.

Cornell Harbison	\$ 19,300.00
EXCEL Excavating	\$ 21,539.07

Mr. Sartell stated that he recommends that they go with Cornell Harbison at \$19,300.00. He explained that they can have the amount itemized so that the Stormwater can pay for their share.

Mr. Kochert moved to approve, Mr. Utz second, all voted in favor.

Mr. Sartell stated that they purchased a new lawn mower and traded in an obsolete piece of equipment which knocked off \$2500.00.

CLAIMS:

Mr. Sartell presented the following claims for approval:

Donahue & Associates	Invoice #7	\$2,092.50
	Invoice #3	\$8,791.34
CDI	Invoice #41991	\$15,900.00
	Invoice #41969	\$775.19
MET	Invoice #7650	\$1,566.00
Greg Fifer	Invoice #2948	\$2,000.00
	Invoice #2950	\$2655.47
Bingham McHale LLP		\$522.03
Timberlake Plumbing	Invoice #07S164	\$28,131.66
The Tribune	Basin #35	\$38.77
	REL Force Main	\$42.74

	Lewis Street	\$49.20
New Albany Utilities	Storm Water	\$665.70
K&E Environmental	Invoice #497	\$2,160.08
EMC O&M	Invoice #20014717	\$308,000.00

Mr. Utz stated that the only one he has a problem with is Timberlake Plumbing because a large amount of that is Stormwater.

Mr. Sartell stated that Mr. Dixon would have to work on that one.

Mr. Utz moved to approve claims in the amount of \$345,259.02, Mr. Kochert second, all voted in favor.

Mayor Garner passed out the tap fee calculation sheets for Clarksville and Jeffersonville for the boards review.

Mr. Utz asked where they are with the IUS and Montessori School tap fee.

Mayor Garner stated that they are still in negotiations.

Mr. Kochert asked what has happened with the Kenzig Road situation.

Mr. Fifer stated that they have not responded to his letter.

Mayor Garner stated that Tina Haley has asked Jeffersonville and Clarksville to calculate what the tap fee would be for the IUS project and that both were lower than what New Albany has quoted. He stated that he would get that information to them but he had forgotten to bring it to the meeting.

Mr. Fifer stated that they are providing them the information because they don't want it to seem as though Jeffersonville and Clarksville is a more attractive place to do business but they also don't want to just give the taps away. He explained that he doesn't believe that anyone can argue that they are charging a fee that isn't charged in other municipalities from what he is seeing from both Clarksville and Jeffersonville. He stated that they do need to resolve this issue soon.

Mr. Utz stated that they do not want to be in a position where the contractor finishes the project and then isn't able to pay for the fees.

Mayor Garner stated that he would call the engineer for this project to discuss the tap-in fee.

Mark McCormick presented the July financial report and reviewed it at length. He also reported that he has worked with National City to get the Sweep fund set up.

Mr. Utz reviewed a Cost Breakdown for Basins 4, 18, 35 (phase I-III) and all of Robert E. Lee Projects with the board. Said breakdown is on file with the City Clerk's office.

Mr. Fifer asked Mr. McCormick if there is a way to get money from the SRF.

Mr. McCormick stated that he has made a call but he has not heard back from them.

Mr. Fifer asked if everyone had been served with the lawsuit over the EMC Contract. He explained that he will be filing a Motion to Dismiss by the end of next week based on the fact that he believes this is not a public works contract.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at

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All meetings are taped and can be reviewed in the City Clerk's Office

6:01 p.m.

Respectfully submitted,

**_____
Mayor James Garner, Chairman**

**_____
Marcey Wisman, City Clerk**